

Message Text

PAGE 01 SINGAP 03634 220246Z

17

ACTION PER-03

INFO OCT-01 EA-09 ISO-00 /013 W
----- 024085

R 220114Z AUG 75
FM AMEMBASSY SINGAPORE
TO SECSTATE WASHDC 3340

UNCLAS SINGAPORE 3634

E.O. 11652: N/A

TAGS: APER, AFSP

SUBJ: LOCAL PERSONNEL - USG PARTICIPATION IN THE CENTRAL PROVIDENT
FUND (CPF)

REF: DEPT'S A-797 DTD 2/6/75 AND A-997 DTD 2/13/75

1. THE EMBASSY PRESENTED FOREIGN OFFICE NOTE TO THE MINISTRY OF
FOREIGN AFFAIRS ALONG THE LINES SUGGESTED BY REFAIRGRAMS BUT
WAS INFORMED BY MFA THAT THE CONTENTS OF OUR NOTE WAS NOT AC-
CEPTABLE TO THE CENTRAL PROVIDENT FUND BOARD.

2. THROUGH INFORMAL NEGOTIATIONS BETWEEN THE EMBASSY, MFA AND
CPF IT HAS BEEN DETERMINED THAT IF OUR NOTE WERE TO BE REWORDED
AS FOLLOWS, IT WOULD THEN BE ACCEPTABLE TO THE CPF BOARD:
"NO. 270/75

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS
COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC
OF SINGAPORE AND HAS THE HONOR TO PROPOSE THAT THE UNITED
STATES PARTICIPATE, WITHOUT PREJUDICE TO OR IN DEROGATION OF
ITS RIGHTS AND OBLIGATIONS UNDER GENERAL PRINCIPLES OF INTER-
NATIONAL LAW, ON A LIMITED VOLUNTARY BASIS IN THE CENTRAL PROVIDENT
FUND ACT (CHAPTER 121), AS AMENDED, FOR CERTAIN EMPLOYEES OF THE
UNITED STATES GOVERNMENT IN SINGAPORE. IT IS PROPOSED THAT AN
AGREEMENT CONTAINING THE FOLLOWING CONDITIONS WILL GOVERN
UNITED STATES GOVERNMENT PARTICIPATION.

I. PARTICIPATION

1. EMPLOYEES ON THE EMPLOYMENT ROLLS OF THE UNITED STATES
UNCLASSIFIED

PAGE 02 SINGAP 03634 220246Z

GOVERNMENT IN SINGAPORE AS OF THE EFFECTIVE DATE OF THE AGREE-
MENT WHO ARE NATIONALS OR PERMANENT RESIDENTS OF SINGAPORE
AND WHO ARE NOT CITIZENS OF THE UNITED STATES, NOR PARTICIPANTS
IN THE RETIREMENT SYSTEM OF THE UNITED STATES, SHALL, WITHIN

THE LIMITS OF THEIR ELIGIBILITY UNDER SINGAPORE LAW, BE ENROLLED BY THE UNITED STATES GOVERNMENT IN THE CENTRAL PROVIDENT FUND FOR RETIREMENT BENEFITS.

2. EMPLOYEES HIRED BY THE UNITED STATES GOVERNMENT IN SINGAPORE AFTER THE EFFECTIVE DATE OF THE AGREEMENT WHO ARE NATIONALS OR PERMANENT RESIDENTS OF SINGAPORE AND WHO ARE NOT CITIZENS OF THE UNITED STATES, SHALL, WITHIN THE LIMITS OF THEIR ELIGIBILITY UNDER SINGAPORE LAW, BE ENROLLED BY THE UNITED STATES GOVERNMENT IN THE CENTRAL PROVIDENT FUND FOR RETIREMENT BENEFITS.

3. EMPLOYEES ON THE EMPLOYMENT ROLLS OF THE UNITED STATES GOVERNMENT IN SINGAPORE ON THE EFFECTIVE DATE OF THE AGREEMENT WHO ARE NATIONALS OR PERMANENT RESIDENTS OF SINGAPORE AND WHO ARE NOT CITIZENS OF THE UNITED STATES, AND WHO ARE PARTICIPANTS IN THE UNITED STATES RETIREMENT SYSTEM AND WHO ELECT TO REMAIN IN THE UNITED STATES RETIREMENT SYSTEM, SHALL BE PERMITTED TO DO SO.

4. UNITED STATES GOVERNMENT EMPLOYEES COVERED UNDER PARAGRAPHS 1 AND 2 OF THE AGREEMENT SHALL ENJOY THE SAME BENEFITS AS OTHER CONTRIBUTORS TO THE CENTRAL PROVIDENT FUND UNDER THE LAW OF SINGAPORE. THE RIGHTS AND DUTIES OF SUCH EMPLOYEES IN MATTERS RELATING TO RETIREMENT SHALL BE DETERMINED BY THE RELEVANT LAW OF SINGAPORE, THE CENTRAL PROVIDENT FUND ACT.

II. ADMINISTRATION

1. SUBJECT TO THE PROVISIONS OF PART I OF THE AGREEMENT, THE UNITED STATES SHALL UNDERTAKE THE FOLLOWING ACTIONS ON BEHALF OF EMPLOYEES IDENTIFIED IN PARAGRAPHS 1 AND 2 OF PART I AND WHO BECOME ENROLLED IN THE CENTRAL PROVIDENT FUND:

- A. PAY APPROPRIATE CONTRIBUTIONS AS AN EMPLOYER;
- B. WITHHOLD APPROPRIATE CONTRIBUTIONS OF ITS EMPLOYEES;
- C. REMIT SAID CONTRIBUTIONS TO APPROPRIATE OFFICIALS OF THE CENTRAL PROVIDENT FUND;
- D. MAKE RETURNS ON FORMS AND IN THE MANNER PRESCRIBED BY THE CENTRAL PROVIDENT FUND ACT;;
- E. FURNISH INFORMATION AS MAY BE RELEVANT TO THE ADMINI-
UNCLASSIFIED

PAGE 03 SINGAP 03634 220246Z

STRATION OF THE PROVISIONS OF THE CENTRAL PROVIDENT FUND ACT;

F. PROVIDE SELF-AUDIT AND SELF-INSPECTION OF ITS ACCOUNTS AND FINANCIAL RECORDS IN LIEU OF AUDIT AND INSPECTION BY THE CENTRAL PROVIDENT FUND AND REQUIRED BY THE LAW OF SINGAPORE FOR PRIVATE EMPLOYERS.

2. NO PENALTY OR PENALTY INTEREST SHALL BE INCURRED BY THE UNITED STATES AND NO LIEN OR CHARGE SHALL BE LEVIED AGAINST ITS PROPERTY BECAUSE OF ITS AGREEMENT TO ASSUME THE OBLIGATIONS ENUMERATED IN PARAGRAPH 1 OF THIS PART.

3. NOTHING IN THIS AGREEMENT IS TO BE CONSTRUED TO AFFECT THE SOVEREIGN IMMUNITY OF THE UNITED STATES GOVERNMENT OR AS A MODIFICATION OF THE PRIVILEGES AND IMMUNITIES DERIVED FROM GENERALLY ACCEPTED PRINCIPLES OF INTERNATIONAL LAW AND PRACTICE AND FROM TREATIES AND AGREEMENTS IN FORCE BETWEEN OUR RESPECTIVE GOVERNMENTS. NOR SHALL THIS AGREEMENT SUBJECT THE UNITED STATES, ITS DEPARTMENTS OR ESTABLISHMENTS OR ITS OFFICERS OR EMPLOYEES WHO ARE NOT WITHIN THE GROUPS IDENTIFIED IN PARAGRAPHS 1 AND 2 OF PART I OF THIS AGREEMENT, TO ANY JUDICIAL OR ADMINISTRATIVE ACTION, WHETHER CIVIL OR PENAL IN NATURE, PROVIDED BY SINGAPORE LAW OR ANY OTHER LAW NOW OR IN THE FUTURE.

4. IF THE UNITED STATES SHOULD OTHERWISE BECOME ELIGIBLE FOR A REFUND OF CONTRIBUTIONS MADE PURSUANT TO THIS AGREEMENT, SUCH AMOUNTS SHALL BE APPLIED IN REDUCTION OF FUTURE OBLIGATIONS FOR CONTRIBUTIONS BY THE UNITED STATES. UPON TERMINATION OF THIS AGREEMENT, ANY AMOUNTS OUTSTANDING TO THE CREDIT OF THE UNITED STATES SHALL BE PROMPTLY REFUNDED.

5. THE UNITED STATES GOVERNMENT SHALL JOINTLY WITH THE SINGAPORE GOVERNMENT AND/OR THE CENTRAL PROVIDENT FUND CONCLUDE ADMINISTRATIVE ARRANGEMENTS, REGULATORY IN NATURE, FOR THE FURTHER IMPLEMENTATION OF THIS AGREEMENT. AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS OF PROVISIONS IN SUCH ADMINISTRATIVE ARRANGEMENTS MAY BE MADE BY MUTUAL CONSENT.

UNCLASSIFIED

PAGE 04 SINGAP 03634 220246Z

III. AMENDMENT OF AGREEMENT

THIS AGREEMENT MAY BE AMENDED AT ANY TIME BY MUTUAL CONSENT.

IV. TERMINATION

1. EITHER PARTY MAY TERMINATE THIS AGREEMENT AT ANY TIME PROVIDED NOTICE IN WRITING IS GIVEN TO THE OTHER PARTY SIX MONTHS IN ADVANCE OF SUCH TERMINATION DATE.

2. THE EMBASSY PROPOSES THAT, IF THESE CONDITIONS ARE ACCEPTABLE TO THE MINISTRY OF FOREIGN AFFAIRS, THIS NOTE AND THE MINISTRY'S REPLY CONCURRING THEREIN SHALL CONSTITUTE AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THE DATE OF THE MINISTRY'S NOTE.

THE EMBASSY OF THE UNITED STATES OF AMERICA AVAILS ITSELF OF THIS OCCASION TO RENEW TO THE MINISTRY FOR FOREIGN AFFAIRS OF THE GOVERNMENT OF SINGAPORE THE ASSURANCES OF ITS HIGHEST CONSIDERATION."

3. IT IS THE EMBASSY'S CONSIDERED JUDGEMENT, THAT THE TEXT OF THE ABOVE NOTE DOES NOT MATERIALLY CHANGE THE CONTENTS OF THE ORIGINAL EXCEPT FOR THE FOLLOWING DELETIONS:

A. PART I PARTICIPATION, PARAGRAPH 3: PARAGRAPH DELETED IN ITS ENTIRETY. THIS PARAGRAPH WOULD PROVIDE OUR NATIONAL EMPLOYEES AN OPPORTUNITY TO DEPOSIT TO THE CPF, ANY CONTRIBUTIONS PREVIOUSLY

MADE TO THE CIVIL SERVICE RETIREMENT FUND. THE CPF BOARD WILL NOT AGREE TO THIS PROVISION. THE NATIONAL EMPLOYEES DO NOT OBJECT TO THE DELETION OF THIS PARAGRAPH BUT RATHER FEEL THAT IT GIVES THEM AN OPPORTUNITY TO INDIVIDUALLY INVEST THE REFUNDED CSR CONTRIBUTIONS AS THEY WISH.

B. PART I PARTICIPATION, PARAGRAPH 5 AND 6: THESE TWO PARAGRAPHS HAVE BEEN COMBINED SINCE MFA FEELS THAT OUR SOVEREIGN IMMUNITY AS AN EMBASSY IS STATED AND GUARANTEED IN PART II ADMINISTRATION, PARAGRAPH 4.

C. PART II ADMINISTRATION, PARAGRAPH 3: PARAGRAPH HAS BEEN DELETED IN ITS ENTIRETY. THE MFA SIMPLY BELIEVES THIS PARAGRAPH TO BE REDUNDANT.

4. THE NEGOTIATIONS CONNECTED WITH OUR BECOMING A MEMBER OF THE CPF HAVE BEEN A LENGTHY AND TIME CONSUMING PROJECT WHICH HAS BEEN DRAGGING ON FOR APPROXIMATELY TWO YEARS. MEMBERS OF THE EMBASSY STAFF AS WELL AS OUR NATIONAL EMPLOYEES ARE MOST EAGER
UNCLASSIFIED

PAGE 05 SINGAP 03634 220246Z

TO SEE IT COME TO A FAVORABLE CONCLUSION. THEREFORE, THE EMBASSY STRONGLY RECOMMENDS THAT THE DEPARTMENT APPROVE THE SUBMISSION OF THE REVISED NOTE TO MFA FOR THEIR CONCURRENCE. PLEASE ADVISE. HOLDRIDGE

UNCLASSIFIED

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 22 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975SINGAP03634
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750290-0604
From: SINGAPORE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750899/baaaaggw.tel
Line Count: 190
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ACTION PER
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 22 NOV 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 NOV 2002 by ReddocGW>; APPROVED <15 MAR 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: APER, AFSP, US, SN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006